



Order Filed on August 16, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
**Caption in Compliance with D.N.J. LBR 9004-1(b)**

824311

**Phelan Hallinan Diamond & Jones, PC**  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103  
856-813-5500

**Attorneys for Secured Creditor: Santander Bank,  
N.A.**

In Re:

KENNETH MCCARTHY

Case No: 19-13315 - CMG

Hearing Date: 09/18/2019

Judge: Christine M. Gravelle

**CONSENT ORDER RESOLVING OBJECTION TO CONFIRMATION**

The consent order set forth on the following pages, numbered two (2) through three (3) is hereby **ORDERED**.

DATED: August 16, 2019

A handwritten signature in black ink, appearing to read "Christine M. Gravelle".

**Honorable Christine M. Gravelle**  
**United States Bankruptcy Judge**

**NJID 824311**

**Phelan Hallinan Diamond & Jones, PC**  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103  
856-813-5500

**Attorneys for Santander Bank, N.A.**

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY

IN RE:

KENNETH MCCARTHY

CASE NO. 19-13315 - CMG

Debtor

CHAPTER 13

CONSENT ORDER RESOLVING  
OBJECTION TO CONFIRMATION

HEARING DATE: 09/18/2019

**This Consent Order pertains to the property located at 80 CLIFFEDGE WAY, RED BANK, NJ 07701, mortgage account ending with "9115";**

**THIS MATTER** having been brought before the Court by, Robert B. Davis, Esquire, Esquire attorney for debtor, Kenneth McCarthy upon the filing of a Chapter 13 Plan, Santander Bank, N.A. by and through its attorneys, Phelan Hallinan Diamond & Jones, PC having filed an Objection to the Confirmation of said Chapter 13 Plan and the parties having subsequently resolved their differences; and the Court noting the consent of the parties to the form, substance and entry of the within Order; and for other and good cause shown:

**IT IS ORDERED as follows:**

1. Santander Bank, N.A. has filed a valid, secured Proof of Claim in the amount of **\$313.01** (claim no. 5-1).

2. The Trustee is authorized not to pay the secured arrearage claim of Santander Bank, N.A. in the amount of **\$313.01** (claim no. 5-1), so debtors can apply and potentially complete a loan modification. Should the debtors qualify for a loan modification, the loan modification must be approved no later than **November 1, 2019**.

3. If Loan Modification is approved, Santander Bank, N.A. shall file an Amended Proof of Claim showing the amount of arrears paid to date by the Trustee.

4. If a loan modification is not approved by **November 1, 2019**, the debtors shall do one of the following: 1) file a Modified Plan to cure the arrearage claim of Movant; or 2) file a Modified Plan to surrender the property subject to said claim; or 3) a Notice to Convert to Chapter 7; or 4) a Notice to Dismiss Case.

5. Debtors acknowledge that the monthly post-petition mortgage payment amount is subject to change in accordance with the terms of the note and mortgage.

6. This Consent Order shall be incorporated in and become a part of any Order Confirming Plan in the herein matter.

The undersigned hereby consent to the form,  
Content and entry of the within Order:

PHELAN HALLINAN DIAMOND & JONES, PC  
Attorneys for Secured Creditor:  
SANTANDER BANK, N.A.

/s/ Robert J. Davidow  
Robert J. Davidow, Esq.  
Phelan Hallinan Diamond & Jones, PC  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103  
Tel: 856-813-5500 Ext. 47960  
Fax: 856-813-5501  
Email: Robert.Davidow@phelanhallinan.com

Dated: August 5, 2019

/s/ Robert B. Davis  
Robert B. Davis, Esquire  
Attorney for debtors

Dated: August 16, 2019

**Certificate of Notice Page 4 of 4**  
**United States Bankruptcy Court**  
**District of New Jersey**

In re:  
 Kenneth McCarthy  
 Debtor

Case No. 19-13315-CMG  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf903

Page 1 of 1  
 Total Noticed: 1

Date Rcvd: Aug 16, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 18, 2019.

db Kenneth McCarthy, 80 Cliffedge Way, Red Bank, NJ 07701-5211

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

**Meeting of Creditor Notices only (Official Form 309):** Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 18, 2019

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 16, 2019 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
 Denise E. Carlon on behalf of Creditor MTGLQ Investors, LP dcarlon@kmllawgroup.com,  
 bkgroup@kmllawgroup.com  
 Harold N. Kaplan on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust hkaplan@rasnj.com, informationathnk@aol.com  
 Kevin Gordon McDonald on behalf of Creditor MTGLQ Investors, LP kmcdonald@kmllawgroup.com,  
 bkgroup@kmllawgroup.com  
 Nicholas V. Rogers on behalf of Creditor SANTANDER BANK, N.A. nj.bkecf@fedphe.com  
 Robert B Davis on behalf of Debtor Kenneth McCarthy Rob@davislawcenterllc.com,  
 teamdlc@davislawcenterllc.com;r62529@notify.bestcase.com  
 Robert P. Saltzman on behalf of Creditor Wilmington Savings Fund Society, FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust c/o Rushmore Loan Management Services dnj@pbslaw.org  
 Sherri Jennifer Smith on behalf of Creditor SANTANDER BANK, N.A. nj.bkecf@fedphe.com,  
 nj.bkecf@fedphe.com  
 Sindi Mncina on behalf of Creditor Wilmington Savings Fund Society, FSB smncina@rascrane.com  
 U.S. Trustee USTPRRegion03.NE.ECF@usdoj.gov

TOTAL: 10